

## **Remarks**

### **Introduction**

Claims 63-86 were pending in this application.

In the Office Action, claims 63, 66, 67, 69, 70, 74, 75, 77, 79, 80, 82, 84, and 85 were rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. U.S. Patent No. 5,351,075 ("Herz") in view of Lawler et al. U.S. Patent No. 5,699,107 ("Lawler"). Claims 64, 68, 71, 72, 76, 78, 81, 83, and 86 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Lawler, and in further view of Knudson et al. U.S. Patent Application No. 2005/0204388 ("Knudson"). Claims 65 and 73 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Lawler, and in further view of Boyer et al. U.S. Patent Application No. 2002/0026496 ("Boyer").

The claim rejections were upheld in the Notice of Panel Decision from Pre-Appeal Brief Review.

### **Summary of Telephonic Interview**

Applicants would like to thank the Examiner for the courtesies extended during the April 9, 2009 telephonic interview with the undersigned. During the interview, the Examiner and the undersigned discussed the abandonment set forth in the Notice of Abandonment, and the Examiner requested that applicants file a petition to withdraw the holding of abandonment.

### **Applicants' Reply to the Notice of Abandonment**

The Notice of Abandonment alleged that applicants had failed to timely file a proper reply to the Office letter mailed December 8, 2008. Applicants submit herewith a petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment set forth in the Notice of Abandonment. Accordingly, applicants respectfully request that this reply be entered in the above-identified patent application, and that prosecution of the application resume its normal course.

Applicants' Reply to the  
Obviousness Rejections

Applicants have amended independent claims 63, 69, 77 and 82 to more particularly define the claimed invention. The claim amendments are fully supported by the application as originally filed and therefore do not add new matter. The Examiner's rejections of applicants' claims are respectfully traversed.

Applicants' specification clearly distinguishes between notifications and reminders. Specifically, a notification is provided when a previously unscheduled program that was outside a program listings time frame that was available to a user becomes listed in the current program listings time frame. In contrast, a reminder is provided to inform a user that a scheduled program is about to be broadcast.

For example, FIG. 14 of the application displays a list of a plurality of program titles for unscheduled programs that are outside a program listing time frame that is currently available to a user. The programs are indicated to be "Coming to PPV" (i.e., the programs are expected to be available at a later time as pay-per-view programs). If the user selects "Blair Witch Project" from the program titles, the user may be allowed to set up a notification using one of the displays in FIGS. 9 and 10. When "Blair Witch Project" becomes listed in the current program listings time frame, the user is presented with a message notification or an e-mail notification. In contrast, if the user sets a reminder for "Blair Witch Project" using the display in FIG. 8, the user is presented with a reminder when "Blair Witch Project" is about to be broadcast.

The Examiner admits that Herz does not provide "a program-specific availability notification to the user indicating the availability of the program corresponding to the selected program title when the corresponding program is now in the current program listings time frame," as recited by previously pending independent claims 63, 69, 77 and 82.

However, the Examiner attempts to rely on Lawler to make up for this deficiency in Herz (*see* Office Action, page 3). Although Lawler refers to providing a reminder when a scheduled program is about to begin, Lawler does not show or suggest providing a notification in response to the listing of a previously unscheduled program that was outside a program listings time frame in the current program listings time frame.

Specifically, Lawler states that, "The system stores and monitors the reminders set by all users and shortly before a selected program becomes available, reminds each user that has set a reminder for that program that the program is about to begin." (*see* Lawler, col. 3, lines 44-47). Lawler also states that, "Once a reminder for a particular program is set, the system monitors the reminder and, shortly before the program is available, informs the user that the program is about to begin." (*see* Lawler, col. 12, lines 34-37). It is clear that at most, Lawler refers to presenting a program reminder in response to approaching the broadcast time of a program. Nowhere does Lawler show or suggest providing a reminder when a previously unscheduled program that was outside a program listings time frame has been listed in the current program listings time frame.

In contrast to Lawler, amended independent claims 63, 69, 77, and 82 now recite "providing a program-specific availability notification to the user indicating the availability of the program corresponding to the selected program title in response to the listing of the program corresponding to the selected program title in the current program listings time frame." This type of notification is clearly different than the program reminder provided by Lawler.

Furthermore, Knudson and Boyer, which the Examiner uses in the rejection of dependent claims 64-68, 70-76, 78-81, and 83-86, do not make up for the deficiencies of Herz and Lawler relative to the rejection.

Accordingly, applicants respectfully submit that independent claims 63, 69, 77, and 82, and dependent claims 64-68, 70-76, 78-81, and 83-86, which depend respectively from independent claims 63, 69, 77, and 82, are allowable over the art of record. For at least this reason, applicants respectfully request that the § 103 rejections of claims 63-86 be withdrawn.

### Conclusion

For at least the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Reconsideration of claims 63-86 in light of the foregoing remarks is respectfully requested.

Respectfully submitted,

/Baaba Andam/

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